

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON JULY 15, 2020 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.

Mayor and Council Members Present:

Mayor Brent Marshall
Jewel Allen
Jeff Hutchins
Darrin Rowberry
Scott Stice
Krista Sparks

Appointed Officers and Employees Present:

Christine Webb, City Recorder
Brett Coombs, City Attorney
Kristy Clark, Planning and Zoning
Jacob Enslen, Police Chief
James Waltz, Public Works

Citizens and Guests Present:

Monte Kingston	Shay Stark	Kaylie's iPhone	Krista Hutchins
Susan Johnsen	Jolynn Leach	Camille	Krista's iPhone
Cheryl Barrus	Critchlow	Thane Smith	Cindi M
Realtypath Tooole	jcastagno	joan	Ca
Genny	Dave Kezarian		

Mayor Marshall asked Kristy Clark to lead the Pledge of Allegiance.

AGENDA:

1. Public Comments.

Mayor Marshall stated he had asked the Recorder, Christine Webb, if any public comments were received. The comments received were regarding Land Use and advised that they could not be read into the record but may be sent directly to the Council Members. The Mayor asked if there was anyone present that wished to make a comment. No comments were offered.

2. Summary Action Items.

- a. Approval of Minutes from the July 1, 2020 Regular Meeting.
- b. Approval of Bills for the amount of \$599,600.36.

Councilman Stice had a few questions about the bills. He felt the bill in question should be listed as General Maintenance rather than Class C Roads.

Motion: Councilwoman Allen made a motion to approve the summary action items.

Second: Councilwoman Sparks seconded the motion.

Vote: The vote was as follows: Councilman Rowberry, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

3. Consideration of approval for a secondary access for Brandon and Krista Batt at 623 E. Chan Drive.

Brandon and Krista Batt were online. Mr. Batt stated they have added a gate in their backyard for access to get their trailers in and out. They have a power box located in the front so it is very hard to back the trailers to the backyard. Councilman Stice reported he drove past this and it is on the corner of Worthington Street and South Street. South Street and Worthington Street are both collector streets. Mayor Marshall pointed out they have installed a small pipe to transfer the water from one side to the other. Mr. Batt said it is an eight-inch pipe.

Councilman Stice felt the City needs to get the message out to homeowners that secondary accesses are not allowed. It was suggested that the City send a letter out to all residents on collectors to notify them that they are not allowed to install a secondary access. Kristy Clark was assigned to send the letters out.

Motion: Councilman Stice made a motion to deny a secondary access for Brandon and Krista Batt at 623 E. Chan Drive.

Second: Councilman Hutchins seconded the motion.

Discussion: Mayor Marshall asked Mr. Batt if thirty days would give him enough time to remove the secondary access. Mr. Batt answered yes, that would give him to time.

Vote: The vote was as follows: Councilman Rowberry, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

4. Consideration of Resolution 2020-58 approving the final plat for DRP Management, AW Hardy Family and Monte Kingston on the Wells Crossing Subdivision Phase 3 located at Williams Lane and Hale Street for the creation of twenty-five (25) lots in the R-1-21 zone.

Monte Kingston was present. He reported they have sold out of lots in Phase 2 and are ready to move on to Phase 3. Mayor Marshall explained he has met with Mr. Kingston about the trail or path. He commented they are currently working on making sure all of the easements. He stated South Hale is getting pretty rough. Mr. Kingston clarified that was the portion on the houses just

south of the entrance. He recalled the priorities were the trail and the houses in front and if anything was left over to take it as far as they could up Hale Street. He said they are still working on the easements for the trail. Mayor Marshall commented the City is preparing to put out an RFP for our Streets Project and South Hale Street was not added. He felt that if there were some calculations, we could swap a street. Mr. Kingston commented there was a little bit of time because they will be working on Phase 3 soon.

Councilman Rowberry reported he has received complaints from residents about the construction traffic driving on Hale Street. He stated it was his understanding the construction trucks were supposed to use the Mormon Trail. Mr. Kingston agreed. Councilman Rowberry spoke about seeing a Geneva truck driving up Hale Street where the road is broken up really bad. Mr. Kingston inquired if it turned up into his subdivision. Councilman Rowberry answered that he did not follow it and did not know. Mr. Kingston explained they have received complaints before and then the trucks continued south down Hale Street. They were not accessing his development but were delivering to residents working on their yards. He agreed to talk to the drivers and remind them to use Mormon Trail.

Motion: Councilwoman Sparks made a motion to approve Resolution 2020-58 approving the final plat for DRP Management, AW Hardy Family and Monte Kingston on the Wells Crossing Subdivision Phase 3 located at Williams Lane and Hale Street for the creation of twenty-five (25) lots in the R-1-21 zone.

Second: Councilman Stice seconded the motion.

Vote: The vote was as follows: Councilman Rowberry, "Aye", Councilwoman Allen, "Aye", Councilman Hutchins, "Aye", Councilman Stice, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

5. Consideration of approval of an RFP for the 2020 Streets Repair Project.

Mayor Marshall explained South Hale Street is the only street not listed on the Streets Repair Project because it was listed in the Wells Crossing Development Agreement. Councilman Stice felt it was a good idea to look at Hale Street but they are not even a third of the way complete. They agreed it was not worth repairing it when it will get chewed up and need to be repaired again in a short time.

Mayor Marshall stated these streets are considered the worst of the streets less South Hale Street. They are individually marked so we will get bids for each street as well as the overall bid. Depending on where the bid comes in, we can choose which one we have the funding to complete and which ones we might have to postpone. Councilman Stice inquired about the intersection at Blaine Avenue and Clark Street. He asked if a culvert will be installed. Mayor

Marshall answered the waterway will be replaced and then we will put some wings on it. Councilman Stice confirmed that we are planning on going all the way down to Wrathall on the cemetery road.

Motion: Councilman Stice made a motion to approve of an RFP for the 2020 Streets Repair Project.

Second: Councilwoman Allen seconded the motion.

Vote: The vote was as follows: Councilman Rowberry, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

6. Consideration of approval of a job description for a City Engineer.

Mayor Marshall stated he gave the Council the job description at the last meeting. He did not receive any requested changes. He reported we looked at numerous job descriptions to draft this one.

Motion: Councilman Hutchins made a motion to approve a job description for a City Engineer.

Second: Councilwoman Sparks seconded the motion.

Vote: The vote was as follows: Councilman Rowberry, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

7. Discussion with Adam Nash about the Cooley Street Subdivision.

Adam Nash felt that he has not represented this project very well. He provided the Council Members with a copy of plan. He explained the project consists of thirty-nine lots. The majority of the lots are in the RM-7 zone and the balance are Rural Residential – one acre lots. Mr. Nash stated all of the lots together average 0.3344 acres in size. He reported the corner lots all have at least 10,000 feet by code. He stated that Gary Pinkham with the Planning Commission pointed out the engineers had proposed to put the drainage in a place that would require it to run uphill. They have changed where the park should be and have moved it to the north end of the subdivision.

Mr. Nash explained the roads have been designed with curb and gutter on both sides to tie into the future road if the City chooses. He stated they are going to go into the backyards and install a perforated pipe that can collect surface water. There will be a periodic inlet to that point and there will be a junction for a termination box that will be a gravel filled box to allow the water to

percolate into the ground. They are installing a walkable trail system through the project. Mayor Marshall asked if the trail will be cement or asphalt. Mr. Nash answered yes, he anticipates it will be asphalt but is looking at doing it with cement. He reported this will all be under an HOA and the open areas will be maintained by the HOA. On Cooley Street they are proposing the frontage to be landscaped and fenced to discourage people from trying to go out to Cooley that way. Mr. Nash stated the large lots will have two shares of Grantsville Irrigation water. The small lots will be on City water.

Mayor Marshall and Mr. Nash discussed the retention swale and the collector road. Mr. Nash explained their plan is to have 2.7 acres of the 17.62 acres gross, which is more than the required 10%. Mayor Marshall commented that there is a road dedication for the future collector. He inquired if the land could be incorporated into a park until such time as the collector road goes through so there is not a weed patch. Mr. Nash answered that it could; they will not build any permanent structures on that piece.

Mayor Marshall pointed out there is an issue with the sewer line. He explained that Mr. Nash wishes to tie into the Wrathall sewer line which is a small line. Mayor Marshall stated the sewer line has to go to Picadilly. Currently, the City is not in a position to upsize that line and pay for it. Mr. Nash said he did not think they would mind that, but asked if they could get a pioneering agreement so when the next guy comes in, they can get credit for it. Councilman Stice stated the City no longer does recovery rights.

Councilwoman Sparks asked for more information on frontage of Cooley Street. Mr. Nash answered the lots siding onto Cooley will have a ten-foot park strip with landscaping, grass, and privacy fencing. Mayor Marshall requested that they are aesthetically pleasing on the street side.

Councilman Stice asked what Mr. Nash's plan was for lots 33, 34, and 35. Mr. Nash answered access will be from the two roads (Kings Court and Queens Court). The hammerheads will have to have signage stating "No Parking". Councilman Rowberry asked if he purchased lots 34, what street he would live on. Mr. Nash said he would live on Queens Court, and those properties will have access to their property through the hammerheads.

There was a discussion about the existing properties with animals and what Mr. Nash had planned to protect them. Mr. Nash explained they will fence the whole project. He plans to install an "anti-horse fence". Councilwoman Allen recommended bolstering the fence with something like an electric fence so they do not chew on it. Mr. Nash said they have considered double fencing with a metal chain link fence and gap it to the decorative fence. Mayor Marshall pointed out if the horses can get their heads over the fence, then they will knock it down.

Councilman Hutchins commented this project has not been well received by the neighbors. He felt there were a few things that would need to be done to make it acceptable. He commented the density is a big problem because the area of the City north of Clark Street is more rural and open. He stated Mr. Nash is benefiting because for some reason the zoning was designated RM-7 in 1974. He felt there were a few reasons the residents are concerned. One of which is traffic and as you drive down Cooley Street, it is a narrow road with an outlet to Burmester so if you are travelling to Salt Lake, you may be tempted to drive down Cooley Street instead of out the other way. Mr. Nash stated they can work with the City and make sure all of their stuff is in and improve the sewer. He commented there may be some misunderstanding; about six of the homes across from this development have lots that are equal to or smaller than a third of an acre. Councilman Hutchins felt it is the cluster of thirty-nine homes in the proposed subdivision. He recognized there is no variance to give for the zone. He hoped Mr. Nash would be as thoughtful as possible to those residents as this moves forward because ultimately they are the ones that will deal with the negative consequences.

Councilman Hutchins commented that he did not want any homeowner to buy in this area and not recognize that there are some instabilities in the soil. He stated it may not be that high, but there are instabilities in the soil in that area and until you start excavating and digging it up, he is not sure if we know what the quality of the soil might be in this location. Mr. Nash reported they had Applied Geotechnical do a soil investigation throughout that site. Their recommendations are in their report. They identified with borings down to fifteen feet that there is no ground water to that depth. If there is some ground that needs to be dug out, they will dig it out and then it will be stable. Mr. Nash stated one justification for the smaller lots for the benefit of the community is there are a lot of off-site improvements and it would be difficult to complete these improvements with ten one-acre lots. He explained if they come in with enough homes to help them pay for it, they can get down to Picadilly with the sewer, etc. Councilman Hutchins pointed out another concern of the homeowners in this area is whether the City will require them to tie into the sewer line. He stated although this is a beautiful layout, if there was a way to stop the development, he would. He added there is not a way to do that so they will have to work together to make things the best they can possibly make them for the location and the citizens in the area. Councilman Hutchins expressed appreciation for the thoughtfulness that has been put into this subdivision.

Councilwoman Allen asked if the frontage showing the open space will have sidewalk along the fence on Cooley Street. Mr. Nash answered Cooley Street will have curb, gutter, and a park strip and ten feet beyond the sidewalk is where the landscaping and sprinkler system will go. He clarified there will be landscape and then the fence. Mayor Marshall commented on the hammerheads. He stated they will need a red curb and no parking signs so there will be no parking. Councilwoman Allen asked what the range in acreage of the smaller lots. A map was provided with the acreage of the lots listed.

Councilwoman Sparks stated she was not in favor of this development. She commented on the thirty homes fronting Cooley Street and there are not that many homes currently existing along Cooley Street. She added the condition of Cooley Street is not conducive to the amount of traffic that will be added with this development and there are three entrances from Cooley into the subdivision. She felt this will double the density of the area and is not in favor of it. Councilwoman Sparks reported this is a hot topic and there is a lot of push back. She did not feel like we are able to support that kind of density here.

Councilman Stice agreed with both Councilman Hutchins and Councilwoman Sparks. He stated he was also against this subdivision. He felt that just because you can do this does not mean that you should do it. He commented on the amount of homes and vehicles this will add to the area. He pointed out they will hold him to the rules.

Mr. Nash stated he would like this is to be a benefit to the City, not a detriment. He believed there was a traffic study completed. Councilwoman Allen commented that she was against the subdivision. She commented on Mr. Nash's statement that it is not financially feasible for him to develop a smaller number of lots. Mayor Marshall pointed out this property was put up for sale to settle an estate.

8. Consideration of Resolution 2020-59 approving a proclamation declaring a local emergency #2.

Mr. Coombs reported this is a new proclamation to renew an emergency status in the City. The previous one expired on June 30. This will allow the City to receive certain funding available. It also allows the Mayor to make quick decisions that he may need to make. Mr. Coombs commented that one of the drafts provided to the City Council had an incorrect date. It has been corrected. Councilwoman Sparks clarified this is related to CARES funding.

Motion: Councilwoman Allen made a motion to approve Resolution 2020-59 approving a proclamation declaring a local emergency #2.

Second: Councilman Hutchins seconded the motion.

Vote: The vote was as follows: Councilman Rowberry, "Aye", Councilwoman Allen, "Aye", Councilman Hutchins, "Aye", Councilman Stice, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

9. Consideration of Resolution 2020-60 establishing an employee education reimbursement program.

Mayor Marshall stated this came out of the discussion had at the previous Council Meeting. He commented they looked at numerous other reimbursement programs as Jesse Wilson put this together. The Mayor felt it is a good starting platform and over the course of time will probably have some changes.

Councilman Stice confirmed this is for all full-time employees. Councilwoman Sparks stated she loves this and any encouragement for people to receive their education is a good idea. She asked if there was a cap and where it was located in the resolution. She was concerned about giving every employee this and whether the City had the funding available if they all took advantage of it in a year. Mayor Marshall answered there is not that kind of funding, but that you will not have everyone use it. Councilman Stice asked about a worst case scenario. Mayor Marshall pointed out the City currently has three employees going to school. The Council Members expressed concerns that the establishment of this may encourage many more to consider it.

Mr. Coombs reported in his conversation with Jesse on this, the thinking was to get the bones approved and then bringing back the numbers. He explained that Jesse anticipated there would need to be a hard cap on the amount available and that it would be on a first come, first served basis. Mr. Coombs was not aware of the number being considered. The Council felt it needed to be as clear as possible.

Councilman Hutchins asked about Section 4, Item d and whether the City could legally make someone disclose a financial grant. He suggested Mr. Coombs look into it. Councilwoman Allen agreed that if there is a cap, it should be spelled out. The Council was in support of the education of the employees. Mayor Marshall explained the employee would have to pay their own expenses and then turn in their grades to be reimbursed.

Councilman Stice stated he was in favor of this with a couple of things to be defined. He felt there should be a line item in the budget and it should be first come, first served. He agreed there needs to be a set amount. Councilman Hutchins suggested defining a satisfactory job performance. Mayor Marshall recommended that the Council look this over and make changes so it can be brought back to the next City Council Meeting for consideration.

Motion: Councilwoman Sparks made a motion to table Resolution 2020-60 establishing an employee education reimbursement program.

Second: Councilman Stice seconded the motion.

Vote: The vote was as follows: Councilman Rowberry, "Aye", Councilwoman Allen, "Aye", Councilman Hutchins, "Aye", Councilman Stice, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

10. Consideration of Ordinance 2020-19 amending the Consolidated Fee Schedule with new fees for Industrial Subdivision and Master Site Plan applications, and increasing the fee for annexation petitions.

Councilman Stice inquired whether the annexation petition fee is \$100 or \$1,000. Mr. Coombs answered it is \$1,000. Mayor Marshall reported the increase on the annexation fee is to cover the costs to process an annexation.

Shay Stark with Aqua Engineering addressed the Council. He provided information on the proposed fees. He explained they are working on the commercial and industrial approval process and the fees. They are trying to design a process that will adequately cover the necessary review to consider the impacts and the design of commercial and industrial projects. He reported we have an application coming in that we need to have a fee in place for this. Mr. Stark stated Grantsville's current review fee for this is \$500 plus \$100 per unit. He reported they looked at other communities while putting this together. He cited the example of the Lakeview commercial project which is currently proposing forty-two units. So if they brought them in all at once, they would pay \$4,200 and there is no way they could review all of it for that price. Mr. Stark shared information from several different cities on what their fees are and how they are calculated. He reported one of the problems he runs into when looking at fees and how communities have set them up is that it seems to be the smaller projects actually take more time than some of the big projects and often have more issues. He pointed out that everyone's fee schedules are set up with a minimal amount. He realized there needs to be a balance associated with that.

Mr. Stark explained the proposed fees will collect a little bit more than they are collecting initially on some of the smaller projects because they often take the same amount of time and the costs are the same no matter what size the project is. He compared the Grantsville fees with those from Tooele City, Eagle Mountain, West Valley, and Clearfield. He reported the proposed fee is \$2,000 for a project of three acres or less, plus \$500 per acre for any acreage greater than three acres up to fifty acres, plus \$250 per acre for acreage greater than the first fifty acres.

Motion: Councilman Stice made a motion to approve Ordinance 2020-19 amending the Consolidated Fee Schedule with new fees for Industrial Subdivision and Master Site Plan applications, and increasing the fee for annexation petitions.

Second: Councilwoman Allen seconded the motion.

Vote: The vote was as follows: Councilman Rowberry, "Aye", Councilwoman Allen, "Aye", Councilman Hutchins, "Aye", Councilman Stice, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

11. Discussion on amending the residential subdivision fees

Mr. Stark provided a spreadsheet with the amount of time spent to process the applications. He asked to know where the Council would like to go with these fees. He reported that he made some of the numbers up, but has sent one to the City to talk to the Public Works Department, etc. to get an idea of the amount of time being spent. He stated that he did not pull the numbers out of the blue, he looked at various projects he has worked on to come up with an estimate. He shared the current fees and the possible fees of Grantsville City along with the fees charged by

Tooele City, Elk Ridge, Eagle Mountain, West Valley City, and Clearfield. The Council agreed the fees should reflect the cost for the amount of time to process the residential subdivisions.

12. Consideration of approving a noise variance on August 1, 2020 until midnight for a six-hour endurance race at Utah Motorsports Campus.

Dave Kezarian with NASA Utah was present. He explained they do an endurance race at the Utah Motorsports Campus usually the first week of August. They run from 6:00 pm to midnight and wish to have approval for a noise variance in effect for the race. Mr. Kezarian reported this race is usually held at the same time as the Tooele County Fair and they have never had an issue in the past. He stated this year it ended up scheduled for the week before the Fair was going to be held, but now everyone is at home and a little stir crazy.

Mayor Marshall stated this has been approved in the past. He cautioned Mr. Kezarian that he nearly did not get on this City Council agenda for approval. He recommended they contact the City earlier to be added to the agenda.

Motion: Councilwoman Sparks made a motion to approve a noise variance on August 1, 2020 until midnight for a six-hour endurance race at Utah Motorsports Campus.

Second: Councilwoman Allen seconded the motion.

Discussion: Councilman Stice asked if it is possible to notify the residents that this race is going to happen. Councilwoman Sparks suggested adding the information to the Mayor's Newsletter. Mayor Marshall pointed out that some of those people do not receive the Newsletter. Mr. Kezarian will try to have a notice put in the Transcript Bulletin.

Vote: The vote was as follows: Councilman Rowberry, "Aye", Councilwoman Allen, "Aye", Councilman Hutchins, "Aye", Councilman Stice, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

Mayor Marshall requested to go into a closed session.

Adam Nash asked to address the Council. He commented on the fees for development. He stated that for twenty years he has been saying that Grantsville's fees are the lowest in the State. He gave some examples of other cities fees that he has to pay. He suggested that instead of talking about a payment for open area, that he make a donation to the City.

Motion: Councilwoman Allen made a motion to go into a closed session for pending or imminent litigation.

Second: Councilman Stice seconded the motion.

Approved

Vote: The vote was as follows: Councilwoman Allen, “Aye”, Councilman Rowberry, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried and the Council went into a closed session at 8:49 pm.

Those in attendance were: Mayor Marshall, Councilman Rowberry, Councilwoman Allen, Councilman Hutchins, Councilman Stice, Councilwoman Sparks, Christine Webb, and Brett Coombs.

Motion: Councilwoman Sparks made a motion to go back into an open session.

Second: Councilwoman Allen seconded the motion

Vote: The vote was as follows: Councilman Rowberry, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

13. Adjourn.

Motion: Councilman Stice made a motion to adjourn. Councilwoman Sparks seconded the motion. The meeting was adjourned at 9:09 p.m.